

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

James E. SMITH

Case No. 2:24-mj-22

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/30/2022 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

*Code Section**Offense Description*

21 USC Section 841(a)(1)
 18 USC 924(c)(1)(A)

Distribution of Marijuana
 Possession of a Firearm in Furtherance of a Drug Trafficking Crime

This criminal complaint is based on these facts:

See attached affidavit, which is incorporated by reference.

☒ Continued on the attached sheet.*William Jake VonEssen**Complainant's signature*

William Jake VonEssen, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 1/17/2024City and state: Columbus, Ohio*Chelsey M. Vascara*

Chelsey M. Vascara
 United States Magistrate Judge

Judge's signature

Chelsey M. Vascara, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, William VonEssen, being duly sworn depose and state,

INTRODUCTION

1. I am a Special Agent with the Drug Enforcement Administration (DEA), and have been since January of 2022. As such, I am an “investigative or law enforcement officer” of the United States within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in 18 U.S.C. § 2516. I am empowered to investigate, make arrests with or without warrants, and execute search warrants under the authority of 21 U.S.C. § 878. I hold a Bachelor’s Degree in Aerospace from Middle Tennessee State University.

The following represents my training and experience:

- a. I have completed the DEA Basic Agent Training Academy, which is a 17-week course in Quantico, VA that includes (but is not limited to) training in the following areas: surveillance, undercover operations, report writing, confidential source management, drug identification, legal principles, search warrant operations, case initiation and development, interview and interrogation, defensive tactics, physical training, and firearms proficiency. I continue to receive training on a daily basis by conducting criminal drug investigations and drawing from the expertise of agents more experienced than myself.
- b. As a DEA Special Agent, my experience also includes participating in criminal arrests, conducting physical surveillance, trash seizures, searching for evidence during court-authorized search warrants, and authoring search warrants as well as subpoenas.

- c. I have completed the DEA's Money Laundering Seminar, which is a three-day course in Quantico, VA that included training in the following areas: common money laundering schemes, money laundering techniques, the relationship between drug trafficking and terrorism financing, Chinese money laundering, utilization of the Financial Crimes Enforcement Network (FINCEN), specific money laundering violations (structuring, bulk cash smuggling, avoiding reporting requirements, international money laundering, etc.), virtual currency money laundering, and asset identification/tracing.
2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from myself, other agents, and law enforcement officers. This affidavit is intended to show merely that there is sufficient probable cause and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

3. In May of 2023, investigators with the DEA Columbus District Office (CDO) began investigating suspected drug trafficker Antonio TYREE Jr. aka 'Nethew' based on information from a confidential source. Investigators conducted surveillance on TYREE Jr. in August and September of 2023 and observed that TYREE Jr. visited James SMITH's residence 104 Florence Avenue, Franklin Township, OH several times. Investigators observed suspected drug transactions both at 104 Florence Avenue and at locations TYREE Jr. travelled to after leaving 104 Florence Avenue. At least one suspected drug transaction took place when SMITH appeared to be home at 104 Florence Avenue.

4. Investigators also conducted two trash pulls from 104 Florence Avenue in August of 2023. Investigators discovered an extremely large amount of plastic bags/pieces of plastic bags that appeared to be drug packaging in the trash of 104 Florence Avenue during both trash pulls. Each trash pull contained at least one plastic bag/piece of a plastic bag that surface field-tested positive for the presence of cocaine. Prior to one trash pull, SMITH was observed taking a trash bag out to the trash bin before it was collected and seized by investigators.
5. On or about September 6, 2023, investigators executed a Federal search warrant at 104 Florence Avenue, Franklin Township, OH. Investigators detained the sole occupant of the residence, SMITH, during the execution of the warrant. Upon a search of the residence, a kilogram press, a small amount of white powder that field-tested positive for fentanyl, a small quantity of suspected marijuana, a scale, two firearms, and a cellular device were located. The data from the cellular device and the two firearms were seized.
6. On the same day during the search of the residence, SMITH was read his Miranda rights. SMITH stated he understood them, waived them, and agreed to speak with investigators. SMITH stated that he had one of the firearms in his hand as investigators were knocking and announcing their presence as the warrant was being executed. SMITH stated that the firearm then fell out of its holster, so he placed the holster and firearm back into his bedroom as law enforcement gave him commands. Investigators did find a firearm holster and one of the firearms in the bedroom as described by SMITH. SMITH then admitted to ownership of both of the firearms that were found in the residence. SMITH also stated that he carries a firearm every day, everywhere he goes.

7. Later in the conversation, SMITH admitted that he is a marijuana user and trafficker.

SMITH stated that he usually buys a quarter pound of marijuana at a time and sells it over the next few months. SMITH stated he'd been selling marijuana since November of 2022.

8. On or about September 7, 2023, investigators conducted analysis of the data extracted from SMITH's cellular device. Investigators discovered correspondence between SMITH and TYREE Jr. by way of instant messages and calls. Investigators also discovered an instant message conversation that appeared to corroborate SMITH's own admission that he is a marijuana trafficker. Investigators observed the following instant message exchange between SMITH and (614) 827-5648, which SMITH had saved under the contact name 'Face:'

08/25/23 1902 UTC 'Face': What u got

08/25/23 2126 UTC SMITH: Shit nothing at all BS

08/28/23 1623 UTC 'Face': What u got

08/28/23 2138 UTC SMITH: High prices

08/28/23 2205 UTC SMITH: Hit me I got Something for you for five dollars

08/28/23 2227 UTC SMITH: You want this or not

09/02/23 2042 UTC SMITH: It's only 2 zips

09/02/23 2043 UTC 'Face': Ok thats cool meet me at store

9. Based on my training and experience, I know that a 'zip' usually refers to an ounce of a controlled substance. I also know that drug traffickers often use cellular devices to communicate with drug customers and make plans to meet.

10. Based upon my training, experience and my review of the evidence gathered by agents and other investigators assigned to this investigation, there is probable cause to believe James SMITH has violated 21 U.S.C 841(a)(1) Distribution of Marijuana and 18 USC 924(c)(1)(A) Possession of a Firearm in Furtherance of a Drug Trafficking Crime. This affidavit is in support of a request for the issuance of a Federal complaint and Arrest Warrant for SMITH.

William Jake VonEssen

William VonEssen

Special Agent

Drug Enforcement Administration

Subscribed and sworn before me this 17th day of January, 2024.

Chelsey M. Vascara

Honorable Chelsey M. Vascara

United States Magistrate Judge

Southern District of Ohio